

REMARKS

Prior to this paper, claims 1, 12 and 41-58 were pending. By this paper , Applicants do not cancel or add any claims. Therefore, claims 1, 12 and 41-58 remain pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

Indication of Allowable Subject Matter

Applicants thank Examiner Salvatore for allowing claim 12.

Declaration of Ludo Adriaensen

As of the November 2005 Office Action, independent claim 1 stands rejected under 35 U.S.C. §103(a) as being (i) obvious over Adriaensen (WO 98/55682) in view of Zheng (U.S. Patent No. 5,807,430), (ii) as obvious in view of Adriaensen when combined with Czerwinski (U.S. Patent No. 4,308,365), and (iii) as obvious in view of Adriaensen when combined with Daisel (JP 5216465).

Applicants previously traversed the rejections on the basis that the pending claims were (and are) allowable for at least the reason that the first requirement of MPEP § 2143 is not satisfied in the Office Action; the requirement being that there “must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.”

In further support of Applicants’ position that the claims would not have been obvious, one of the present inventors, Ludo Adriaensen, a long time employee of the assignee of the present application (N.V. Bekaert S.A.), now retired, submits the attached declaration (see Appendix I).

Ludo Adriaensen is the same “Adriaensen” from which the primary reference (WO 98/55682 – “Adriaensen”) obtains its name. Indeed, the inventorship of the present application is identical to that of the Adriaensen reference.

In his declaration, Ludo Adriaensen explains how he, an expert on the teachings of the Adriaensen reference (presumed because he is a co-inventor of that reference) did not initially think to modify the technology he previously developed (detailed in the Adriaensen reference) to arrive at the present claimed invention, and how the ordinary artisan would not have considered combining the Adriaensen reference with the other cited references.

It is respectfully submitted that the facts detailed in the declaration are sufficient to rebut any *prima facie* case of obviousness that may have been established in this application, and that the claims as pending should be allowed.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Salvatore is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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APPENDIX I